

### REMARKS

Reconsideration and allowance of this application are respectfully requested in light of the above amendments and the following remarks.

Claims 1, 2, 6, 8, and 28 have been amended. Support for the amendments is provided in the abstract and paragraphs [0012], [0013], [0053], [0055], [0056], [0084], [0085], [0101], [0109], [0111], and [0114] of the published specification. (References herein to the specification and drawings are for illustrative purposes only and are not intended to limit the scope of the invention to the referenced embodiments.)

Claims 1, 2, 6-8, 12, 15-18, 20, 21, 28, and 29 were rejected, under 35 USC §102(e), as being anticipated by Sudo et al. (US 2004/0233838). Claims 3 and 4 were rejected, under 35 USC §103(a), as being unpatentable over Sudo '838 in view of Kadous (US 2005/0063378). Claim 5 was rejected, under 35 USC §103(a), as being unpatentable over Sudo '838 in view of Anim-Appiah (US 7,295,517). Claim 9 was rejected, under 35 USC §103(a), as being unpatentable over Sudo '838 in view of Chow et al. (US 7,050,395). Claim 10 was rejected, under 35 USC §103(a), as being unpatentable over Sudo '838 in view of Ishii et al. (US 2005/0096089). Claim 11 was rejected, under 35 USC §103(a), as being unpatentable over Sudo '838 in view of Moisisio (US 2003/0054829). Claim 13 was rejected, under 35 USC §103(a), as being unpatentable over Sudo '838 in view of Sudo (US 2003/0189917). Claim 19 was rejected, under 35 USC §103(a), as being unpatentable over Sudo '838 in view of Tanaka (US 2004/0235485). Claims 14, 22-25, and 27 were rejected, under 35 USC §103(a), as being unpatentable over Sudo '838 in view of Walton et al. (US 7,020,110). Claim 26 was rejected,

under 35 USC §103(a), as being unpatentable over Sudo '838 in view of Atarashi et al. (US 7,372,889).

To the extent that these rejections may be deemed applicable to the amended claims, the Applicants respectfully traverse based on the points set forth below.

Claim 1 now defines a reception apparatus that specifies a frequency band having a propagation-path state that is equal to or better than a predetermined level and reports an indication of the specified frequency band to a transmission apparatus. The claimed subject matter supports reporting an indication of a single frequency band having a good propagation-path state, rather than indications for all frequency bands employed by the transmission apparatus, so as to reduce the amount of communicated information, reduce power consumption, and improve throughput (see specification page 5, lines 6-11).

By contrast to the claimed subject matter, Sudo '838 discloses comparing an inverse-matrix-determinant absolute value  $|AD-BC|$  with a threshold and transmitting the comparison result to a communicating party (see Sudo '838 paragraph [0195]). Additionally, Sudo '838 discloses controlling, according to the comparison result, the number of antennas used by the communicating party to transmit OFDM signals, so as to reduce interference on the propagation path when reception quality is poor and, thereby, improve communication quality (see paragraph [0197]).

Sudo 838's disclosure of transmitting a comparison result, between the absolute value of matrix determinant  $|AD-BC|$  and a threshold, is not the same as the Applicants' claimed subject matter of transmitting an indication of a specified frequency band having a propagation-path

state that is equal to or better than a predetermined level. Thus, Sudo 838 does not identically disclose the Applicants' claimed subject matter.

Accordingly, the Applicants respectfully submit that Sudo '838 does not anticipate the subject matter defined by claim 1. Independent claims 15, 28, and 29 similarly recite the above-mentioned subject matter distinguishing apparatus claim 1 from Sudo '838, though claim 15 does so with respect to a transmission apparatus corresponding to the reception apparatus of claim 1, claim 28 does so with respect to a method, and claim 29 does so with respect to a method corresponding to the apparatus of claim 15. Therefore, the rejections applied to claims 3-5, 9-11, 13, 14, 19, and 22-27 are deemed to be obviated and allowance of claims 1, 15, 28, and 29 and all claims dependent therefrom is considered to be warranted.

In view of the above, it is submitted that this application is in condition for allowance, and a notice to that effect is respectfully solicited.

If any issues remain which may best be resolved through a telephone communication, the Examiner is requested to telephone the undersigned at the local Washington, D.C. telephone number listed below.

Respectfully submitted,

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